

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEROY NOAH, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:06CV591 CDP
)	
SAINT LOUIS COUNTY,)	
MISSOURI, et al.,)	
)	
Defendants.)	

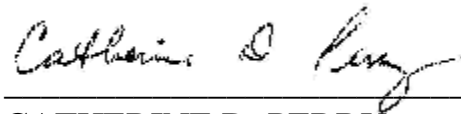
MEMORANDUM AND ORDER

This matter is before the Court on defendant St. Louis County's motion to dismiss for failure to state a claim. In the briefs regarding the motion the plaintiffs request leave to amend their complaint in response to arguments raised by the defendant. The Court acknowledges that exceptions to the Missouri statute granting sovereign immunity pursuant to § 537.610.1 must be alleged with specific facts in the moving party's complaint. See Epps v. City of Pine Lawn, 353 F.3d 588, 594 (8th Cir. 2003); Kunzie v. City of Olivette, 184 S.W.3d 570, 573-74 (Mo. 2006). Because the federal rules require that leave "be freely given when justice so requires," the Court will grant plaintiffs leave to amend their complaint. St. Louis County's motion to dismiss will be denied as moot subject to being raised again at a later time if the amended complaint does not cure the pleading deficiencies.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs shall file an amended complaint no later than **August 7, 2006.**

IT IS FURTHER ORDERED that defendant St. Louis County's motion to dismiss [#13] is denied as moot, subject to being raised at a later time if amendment of the complaint does not cure pleading deficiencies.

A handwritten signature in cursive script, appearing to read "Catherine D. Perry", is written above a horizontal line.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 26th day of July, 2006.